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09/497,383	02/03/2000	David L. Bahr	7204	7431

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/08/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

*Handwritten signature*

**Office Action Summary**

Application No.

09/497,383

Applicant(s)

BAHR ET AL.

Examiner

George C Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18-33, 35-53 and 55-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-33, 35-53 and 55-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 17, 28, 34, and 54 are cancelled. Claims 1-16, 18-27, 29-33, 35-53, and 55-59 are pending and have been examined. Previously misnumbered claims "54" and "55" following claim 57 made on page 11 of the marked up copy in the preliminary amendment filed 23 May 2002 are considered to be claims 58 and 59 as correctly shown on page 6 of the preliminary amendment and are being examined as such.

#### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-16, 18-27, 29-33, 35-53, and 55-59 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: The word "activatable" appears throughout the specification. This word is not a proper English word and requires correction.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 26 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Claim 26 recites the limitation "transmitting the document data from the scanner to a server." This limitation does not enable one skilled in the art to know how to use the method of transferring document data to the server from the scanner.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 20 recites the limitation "the server" in page 5 of Amendment A. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-16, 18-27, 29-33, 35-53, and 55-59 are rejected 35 U.S.C. 103(a) as being unpatentable over "LEADTOOLS" by LEAD Technologies, Inc.

Regarding claim 1, "LEADTOOLS" discloses a method comprising the step of:

a) generating a display based on a hypertext mark-up language (HTML) document using a web browser of a user interface of a client device, the display including a document display portion and an index field portion, the document display portion including a display of document data and the index field portion permitting index data to be input to the user interface in association with the document data and generating a start scan signal to initiate scanning of a document with a scanner to generate the document data and a send data signal to transmit the document data with the index data displayed by the web browser from the client device to a server. [page 2, "Scanning", particularly paragraph 3; pages 2-3, "Display"; page 5, "Internet/Intranet Imaging"; pages 5-6, "Database Imaging", page 6, "LEADTOOLS Imaging Common Dialogs"]

“LEADTOOLS” does not expressly disclose the display including a control portion, the control portion including at least one control element for generating a start scan signal to initiate scanning of a document with a scanner to generate the document data and a send data signal to transmit the document data with the index data displayed by the web browser from the client device to a server, however, “LEADTOOLS” discloses the start scan signal and send data signal as disclosed above. “LEADTOOLS” also discloses that control portions of any and all functions disclosed within “LEADTOOLS” may be created in order to have a customized display [page 6, “LEADTOOLS Imaging Common Dialogs”], therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create a control portion as claimed.

Regarding claim 2, “LEADTOOLS” discloses a method as claimed in claim 1.

“LEADTOOLS” does not expressly disclose wherein the control portion includes a control element used to alternately generate the start scan signal and the send data signal with respective successive activations of the control element, however, “LEADTOOLS” does disclose a start scan signal and send data signal as claimed. [page 2, “Scanning”; page 6, “LEADTOOLS Imaging Common Dialogs”].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to alternately generate the start scan signal and the send data signal with respective successive activations of the control element since it has been held that broadly providing a mechanical or automatic means to replace manual activity

which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 3, "LEADTOOLS" discloses a method as claimed in claim 1, wherein the control portion includes at least one control element that can be activated to adjust the scale of the display of the document data. [pages 2-3, "Display", paragraph 1, line 5]

Regarding claim 4, "LEADTOOLS" discloses a method as claimed in claim 3, wherein the control element can be activated to increase the scale of the display of the document data ("zoom in"). [pages 2-3, "Display", paragraph 1, line 5]

Regarding claim 5, "LEADTOOLS" discloses a method as claimed in claim 3, wherein the control element can be activated to decrease the scale of the display of the document data ("zoom out"). [pages 2-3, "Display", paragraph 1, line 5]

Regarding claim 6, "LEADTOOLS" discloses a method as claimed in claim 3.

"LEADTOOLS" does not expressly disclose wherein the control element can be activated to scale the document data to fit within the document display portion of the user interface, however, "LEADTOOLS" does disclose that the document data may be scaled to any desired scaling [pages 2-3, "Display", paragraph 1, line 5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to scale the document data to fit within the document display portion of the user interface since one of ordinary skill in the art would have known that scaling a document to fit within the display was contemplated by "LEADTOOLS". The

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Examiner also takes Official Notice that scaling document data to fit within the document display of a user interface is well known and used within the art.

Regarding claim 7, "LEADTOOLS" discloses a method as claimed in claim 3.

"LEADTOOLS" does not expressly disclose wherein the control element can be activated to scale the document data for display in the document display portion to the same scale as the scanned document, however, "LEADTOOLS" does disclose that the document data may be scaled to any desired scaling [pages 2-3, "Display", paragraph 1, line 5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to scale the document data for display in the document display portion to the same scale as the scanned document since one of ordinary skill in the art would have known that scaling a document to fit within the display was contemplated by "LEADTOOLS". The Examiner also takes Official Notice that scaling document data to the same scale as the scanned document is well known and used within the art.

Regarding claim 8, "LEADTOOLS" discloses a method as claimed in claim 3.

"LEADTOOLS" does not expressly disclose wherein the control portion includes a control element to select document data from among a plurality of scanned documents for display on the document display portion of the display, however, "LEADTOOLS" does disclose selection of document data from among a plurality of scanned documents for display on a document display portion of the display [pages 5-6, "Database Imaging"].



Claim 8 is rejected under 35 USC 103(a) since the motivations regarding the obviousness of claim 1 also apply to claim 8.

Regarding claim 9, "LEADTOOLS" discloses a method comprising the steps of:

a) generating a start scan signal; b) at the client device, converting the start scan signal into a form compatible with a scanner; c) transmitting the converted start scan signal from the client device to the scanner; d) receiving the converted start scan signal at the scanner; and e) scanning a document with the scanner to generate document data, in response to the converted start scan signal received in said step (d). [page 2, "Scanning"]

"LEADTOOLS" does not expressly disclose using a control element defined by a hypertext mark-up language (HTML) document displayed by a web browser of a user interface of a client device to generate a start scan signal, however, "LEADTOOLS" discloses the start scan signal as described above and a interface that uses the functions of "LEADTOOLS" within a web browser of a client device [page 5, "Internet/Intranet Imaging"]. "LEADTOOLS" also discloses that control portions of any and all functions disclosed within "LEADTOOLS" may be created and customized to create a customized display [page 6, "LEADTOOLS Imaging Common Dialogs"].

Claim 9 is rejected under 35 USC 103(a) since the motivations regarding the obviousness of claim 1 also apply to claim 9.

Regarding claim 10, "LEADTOOLS" discloses a method as claimed in claim 9.

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"LEADTOOLS" does not expressly disclose wherein said step (a) is performed by pressing and releasing a control element of the user interface of the client device using a mouse.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform step (a) by using a mouse to press and release a control element on a user interface. The Examiner takes Official Notice that using a mouse with a user interface is well known and used in the art.

Regarding claim 11, "LEADTOOLS" discloses a method as claimed in claim 9, further comprising the steps of f) transmitting the document data from the scanner to the client device; g) receiving the document data at the client device; h) at the client device, converting the document data into a form that can be displayed within the web browser of the client device; i) generating a display including the scanned document on the web browser of the client device, based on the document data converted in step (h). [page 2, "Scanning"; page 2-3, "Display"; page 5, "Internet/Intranet Imaging"]

Claims 12-16 are rejected since claims 12-16 contain the same limitations as recited in claims 3-7 respectively.

Regarding claim 18, "LEADTOOLS" discloses a method as claimed in claim 12, further comprising the step of k) generating a multiscan mode signal at a user interface of the client device, said steps (e)-(g) repeatedly performed to generate document data for a plurality of documents, based on the multimode scan signal. [page 2, "Scanning"]

Regarding claim 19, "LEADTOOLS" discloses a method as claimed in claim 18.

"LEADTOOLS" does not expressly disclose the method further comprising the steps of l) generating a selection signal at the client device indicating at least one of the first, last, next and previous scanned documents for display and m) displaying the document data for one of the scanned documents, based on the selection signal generated in said step (l).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a selection signal at the client device indicating at least one of the first, last, next and previous scanned documents for display and display the document data for one of the scanned documents, based on the selection signal generated. The Examiner takes Official Notice that these steps are well known and used in the art.

Regarding claim 20, "LEADTOOLS" discloses a method as claimed in claim 12, further comprising the steps of k) inputting predetermined index data into an index field defined by the HTML document displayed by the web browser of the user interface of the client device; l) generating a send data signal using the control element defined by the HTML document displayed by the web browser of the user interface of the client device; m) transmitting the document data and index data from the client device to the server over an internetwork in response to the send data signal generated in said step (l); n) receiving the document data and index data at the server; and o) storing the document data in association with the index data in a database of a data storage unit. [page 5, "Internet/Intranet Imaging"; pages 5-6, "Database Imaging"; page 6, "LEADTOOLS Imaging Common Dialogs"]

Regarding claim 21, "LEADTOOLS" discloses a method as claimed in claim 20, wherein the index data includes predetermined identification data to identify the document [pages 5-6, "Database Imaging"].

Regarding claim 22, "LEADTOOLS" discloses a method as claimed in claim 20, wherein the document data and the index data are transmitted between the server and client device in hypertext transfer protocol (HTTP) [page 5, "Internet/Intranet Imaging"; pages 5-6, "Database Imaging"].

Regarding claim 23, "LEADTOOLS" discloses a method as claimed in claim 20.

"LEADTOOLS" does not expressly disclose wherein the start scan signal and the send data signal are input by a user via a common control element of the user interface that toggles between a first scan mode for the performance of said step (a) and a second send mode for the performance of said step (m), however, "LEADTOOLS" does disclose the start scan signal and send data signal as disclosed above. "LEADTOOLS" also discloses that control portions of any and all functions disclosed within "LEADTOOLS" may be created in order to have a customized display [page 6, "LEADTOOLS Imaging Common Dialogs"]. The Examiner takes Official Notice that a toggle being used as a control element within a user interface is well known and used in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create a control element as claimed.

Regarding claim 24, "LEADTOOLS" discloses a method as claimed in claim 20. "LEADTOOLS" does not expressly disclose wherein the start scan signal is input by a user via a first control element of the user interface for a first scan mode in the

performance of said step (a) the send data signal is input by a user via a second control element of the user interface in the performance of said step (m), however, "LEADTOOLS" does disclose the start scan signal and send data signal as disclosed above. "LEADTOOLS" also discloses that control portions of any and all functions disclosed within "LEADTOOLS" may be created in order to have a customized display [page 6, "LEADTOOLS Imaging Common Dialogs"], therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create a first and second control element as claimed.

Claim 25 is rejected since claim 25 contains the same limitations as recited in claim 9.

Regarding claim 26, "LEADTOOLS" discloses a method as claimed in claim 9, further comprising the step of e) transmitting the document data from the scanner to a server. [page 2, "Scanning"; pages 5-6, "Database Imaging"]

Claim 27 is rejected since claim 27 contains the same limitations as recited in claims 9, 11, and 20 in combination.

Claims 29-33, 35-36, and 37-40 are rejected since these claims contain the same limitations as recited in claims 3-7, 18-19, and 21-24 respectively.

Claims 41-48 are rejected since these claims contain the same limitations as recited in claims 1-8 respectively.

Claim 49 is rejected since claim 49 contains the same limitations as recited in claim 20.

Claim 50 is rejected since claim 50 contains the same limitations as recited in claims 1 and 20 in combination.

Regarding claim 51, "LEADTOOLS" discloses a system as claimed in claim 50, wherein the network includes an internetwork [page 5, "Internet/Intranet Imaging"].

Regarding claim 52, "LEADTOOLS" discloses a system as claimed in claim 50, wherein the client device includes a personal computer [page 5, "Internet/Intranet Imaging"].

Regarding claim 53, "LEADTOOLS" discloses a system as claimed in claim 50, wherein the user interface includes a web browser in which the document data is displayed [page 5, "Internet/Intranet Imaging"].

Claim 55 is rejected since claim 55 contains the same limitations as recited in claims 1 and 20 in combination.

Claim 56 is rejected since claim 56 contains the same limitation as recited in claim 51.

Claim 57 is rejected since claim 57 contains the same limitations as recited in claims 1 and 20 in combination.

Claim 58 is rejected since claim 58 contains the same limitations as recited in claim 11.

Claim 59 is rejected since claim 59 contains the same limitations as recited in claim 20.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6 373 507 B1 to Camara et al;

US Patent 5 486 686 A to Zdybel, Jr. et al;

US Patent 6 330 572 B1 to Sitka;

US Patent 6 145 014 A to Chong;

US Patent 6 286 054 B2 to Wang;

GNOME LTD. "Java Twain Package Version 3.0", originally posted 2 November 1999, retrieved from <http://web.archive.org/web/19991102235823/http://www.gnome.sk>;

Helge Hackbarth. "TIFFY View – Java Edition", originally posted 22 September 1999, retrieved from <http://web.archive.org/web/19990922044105/www.tiffy.de/tiffye/Tiffy.html>;

Sun Microsystems, Inc. "Frequently Asked Questions - Java Advanced Imaging API", originally posted 2 October 1999, retrieved from <http://web.archive.org/web/19991002161607/java.sun.com/products/java-media/jai/index.html>.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

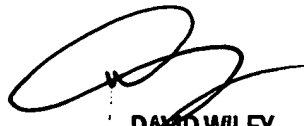
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Mon-Fri 9am-5:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn  
June 26, 2003



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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